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April 17, 1987

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BY MESSENGER

Basil G. Constantelos, Director
Waste Management Division
United States Environmental
Protection Agency
230 South Dearborn Street
16th Floor
Chicago, Illinois 60604

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APR 17 1987

U.S. EPA, REGION V
WASTE MANAGEMENT DIVISION
OFFICE OF THE DIRECTOR

Re: Dead Creek - Area G
Sauget, Illinois

Dear Mr. Constantelos:

On behalf of Cerro Copper Products Co. ("Cerro Copper"), I am hereby submitting our timely response to the United States Environmental Protection Agency's ("U.S.EPA") April 14, 1987 telephonic notice and written confirmation of that notice, which we received on April 16, 1987, concerning the property known as Dead Creek - Area G located in Sauget, Illinois. In that notice, U.S.EPA states that it intends to expend public funds to take action to abate a release or threatened release of hazardous substances, pollutants, and other contaminants at the Dead Creek - Area G site. Cerro Copper, however, is willing to perform voluntarily the immediate action of constructing a fence, according to mutually agreed upon specifications, around that portion of the site property owned by Cerro Copper. Alternatively, Cerro Copper is willing to participate in funding the construction of such a fence around the Area G site in a fair and equitable manner. Therefore, Cerro Copper requests a meeting with U.S.EPA's representatives as soon as possible to discuss our proposal so that an expeditious and effective resolution of this matter can be obtained.

As you probably know, Cerro Copper has been cooperating fully with the Illinois Environmental Protection Agency ("IEPA") in connection with the Dead Creek study. Cerro Copper obviously is willing to extend that same level of cooperation to U.S.EPA, as confirmed by the substance of this response, because of our concern for the safety and health of our workers and our community. Cerro Copper's offer to take the above-described action stems from these concerns.

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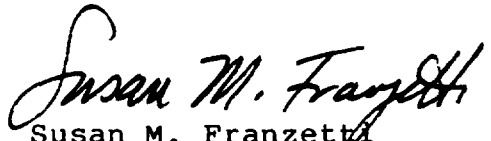
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Cerro Copper does not agree with U.S.EPA's determination that it may be a potentially responsible party for the Dead Creek - Area G site. We submit that pursuant to Section 107(b)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended, 42 U.S.C. §9601 et seq., Cerro Copper is an innocent landowner who did not dispose of, cause to be disposed of, or have knowledge of the disposal of any hazardous substances on that portion of its property included in Dead Creek- Area G. The undeveloped property in question is separated from and has never been a part of the property on which Cerro Copper conducts any operations. Therefore, by the instant offer to take the aforesaid action, Cerro Copper does not waive any of its rights or defenses under CERCLA.

Please contact me at your earliest convenience to schedule a meeting between Cerro Copper's and U.S.EPA's representatives.

Very truly yours,


Susan M. Franzetta
Counsel for Cerro Copper
Products Co.

SMF/kw

cc: Thomas Mintz

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